

APPEAL NO. 041128  
FILED JUNE 30, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 7, 2004. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of \_\_\_\_\_, does not extend to or include an injury to the cervical spine and that the claimant had disability from September 18 through November 6, 2003. The appellant (carrier) appealed, contending that the hearing officer's determination on the disability issue is against the great weight of the evidence. The claimant responded, requesting that we uphold the hearing officer's decision. There is no appeal of the hearing officer's determination that the compensable injury does not include an injury to the cervical spine, which determination was based upon a stipulation of the parties.

DECISION

Affirmed.

The parties stipulated that on \_\_\_\_\_, the claimant sustained a compensable injury to his lumbar spine in the form of a sprain/strain and that the claimant did not sustain a compensable injury to his cervical spine on that date. The claimant had the burden to prove that he had disability as defined by Section 401.011(16). The claimant need not prove that the compensable injury was the sole cause of his disability, only that it was a producing cause. Texas Workers' Compensation Commission Appeal No. 961729, decided October 18, 1996. Conflicting evidence was presented at the CCH with regard to the disability issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision on the disability issue is supported by the claimant's testimony and by the reports of the treating doctor. We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge